REMARKS

The present Amendment and Response is believed to be fully responsive to the Final Office Action dated November 12, 2008. After entry of this Amendment, Claims 1-12 remain pending. By this Amendment, independent Claims 1 and 7 and dependent Claims 2, 5, 6, 8, 11, and 12 have been amended. Claims 13-40 were previously withdrawn without prejudice by prior response. It is respectfully submitted that no new matter has been added by the foregoing amendments. Reconsideration of the application is requested in view of the following remarks.

Claim Rejections under 35 U.S.C. § 103

In the Final Office Action mailed November 12, 2008, Claims 1-3 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0023557 to Moore (hereinafter "*Moore*") in view of U.S. Patent No. RE39,736 to Morrill, Jr. (hereinafter "*Morrill*"), and further in view of U.S. Patent Publication No. 2004/0019553 to Setz, et al. (hereinafter "*Setz*") and further in view of Official Notice. Additionally, Claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Moore* in view of *Morrill*, *Setz*, and Official Notice, and further in view of U.S. Patent No. 5,757,571 to Basham, et al. (hereinafter "*Basham*"). Finally, Claims 5-6 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Moore* in view of *Morrill*, *Setz*, and Official Notice, and further in view of U.S. Patent Publication No. 2005/0080717 to Belyi, et al. (hereinafter "*Belyi*"). More specifically, the Office Action contends that *Moore* discloses a system and method for processing checks and that *Morrill* and *Setz* teach the setting of a default amount for a transaction. The Office Action contends that it would have been obvious to modify *Moore* to include the default amount functionality of *Morrill* and *Setz*. Additionally, the Office Action relies on Official Notice to argue that it would be obvious to process checks received by a merchant in a non-face-to-face manner.

By the present Amendment, independent Claims 1 and 7 have been amended in order to clarify the scope of the claimed inventions of independent Claims 1 and 7. Specifically, independent Claim 1 has been amended to recite an apparatus that includes a "user interface

component that allows the merchant to input a command to enter a default check amount mode and a check amount associated with a plurality of checks" (Underlining supplied). Independent Claim 1 has further been amended to recite "a processor that executes in a default check amount mode when the command is received via the user interface component, and that sets the check amount received via the user interface component to a default check amount" (Underlining supplied). Independent Claim 7 has been amended in a similar manner to recite "providing via the location-base device an option for the merchant to operate the location-base device in a default check amount mode" and "obtaining via the location-base device an input command from the merchant to operate the location-base device in a default check amount mode" (Underlining supplied). Support for these amendments can be found at least in paragraphs [0147] - [0150] of the Specification as originally filed (paragraphs [0149] - [0152] of the Specification as published) and in FIGS. 9A and 9B. For example, paragraph [0147] states:

> [0147] **FIGS. 9A** and **B** illustrate two exemplary processes that can cause the POS device **124** to enter a common input mode. As illustrated in **FIG. 9A**, one exemplary process **440** allows the user to enter the common input mode via the device's menu. The process **440** includes displaying of the menu in step **442**. In step **444** that follows, the process **440** prompts for the user's selection. In step **446** that follows, the process **440** obtains the user's selection as an input. As also shown in **FIG. 9A**, the exemplary display **146** of the exemplary POS device **124** displays an exemplary message **454**. The message **454** is shown to have an exemplary "common check amount" option selected. The selection of the option can be facilitated by the exemplary keypad **150**.

Embodiments of the invention provide methods, systems, and apparatus for electronically processing accounts receivable checks (See Specification at Abstract). Certain embodiments of the invention allow a location-base point-of-sale (POS) device that is utilized to

process face-to-face check transactions, such as in store transactions, to also be utilized to process non-face-to-face accounts receivable check transactions (See Specification at paragraphs [0003] and [0069]. Typically, if AR checks are processed via conventional POS devices, a merchant needs to perform additional tasks to facilitate processing of the AR checks (See Specification at paragraph [0003]). Certain embodiments of the claimed inventions relate to apparatuses, systems, and methods that simplify the processing of AR checks over the processing of face-to-face check transactions. For example, the ability to handle repetitive inputs, such as a repetitive check amount, may be supported in order to expedite the processing of AR checks. A user of the POS device may set the POS device to a default check amount mode in order to process the AR checks, thereby processing the AR checks in a more efficient manner.

In marked contrast to amended independent Claim 1, neither *Moore*, *Morrill*, nor *Setz*, either taken alone or in any combination thereof, teaches or suggests an apparatus or method that "allows the merchant to input a command to enter a default check amount mode and a check amount associated with a plurality of checks" (Underlining supplied). Additionally, neither *Moore, Morrill*, *Setz*, nor any combination thereof teaches or suggests a processor that "executes in a default check amount mode when the command is received" and "setting the input check amount to a default check amount, ... wherein the default check amount mode allows the merchant to process the plurality of accounts receivable checks ... without having to enter the check amount for each of the plurality of accounts receivable checks" (Underlining supplied). Similarly, in marked contrast to amended independent Claim 7, neither *Moore*, *Morrill*, nor *Setz*, either taken alone or in any combination thereof, teaches or suggests "providing ... an option for the merchant to operate the location-base device in a default check amount mode, obtaining via the location-base device an input command from the merchant to operate the location-base device in a default check amount mode, obtaining ... an input value from the merchant" and "setting the input value as the default check amount such that the plurality of accounts receivable checks will be processed with the default check amount in a default check amount mode" (Underlining supplied).

Although *Moore* relates to a system that processes bank checks (See *Moore* at Abstract), as recognized by the Office Action, *Moore* does not teach or suggest a system that operates in a default check amount mode to process a plurality of checks (See Office Action at pages 2-3). Accordingly, *Moore* does not teach or suggest a processor that executes in a default check amount mode when a command to enter the default check amount mode is received from a merchant. Additionally, *Moore* does not teach or suggest inputting of a default check amount that is utilized to process a plurality of accounts receivable checks in the default check amount mode.

Morrill also fails to teach or suggest an apparatus or method that receives a command input by a merchant to enter a default check amount mode and that processes a plurality of checks in the default check amount mode using a default check amount entered by the merchant. In marked contrast, *Morrill* relates to cellular telephone based transactions rather than to check transactions (See, for example, *Morrill* at Abstract). Therefore, it is respectfully submitted that *Morrill* is non-analogous art and not properly combinable with *Moore*. Assuming, arguendo, that *Morrill* may be combined with *Moore*, *Morrill* fails to teach or suggest allowing a merchant to input a command to enter a default check amount mode or allowing a merchant to set a default check amount for processing a plurality of checks in the default check amount mode without having to enter the check amount for each of the plurality of checks. Although *Morrill* relates to cellular phone transactions that can be processed utilizing a preset default amount (e.g., a vending machine transaction or a toll transaction), the default amount is utilized only for a single transaction and not for a plurality of check transactions (See *Morrill* at Col. 2, lines 36-47). In *Morrill*, a cellular phone user enters a unique function code to initiate a transaction (See *Morrill* at Col. 2, lines 38-40), and the mobile phone service provider identifies the transaction and determines if the transaction involves a default amount (See *Morrill* at Col. 2, lines 41-45). The default amount is only utilized to complete the single transaction initiated by the user. There is no teaching or suggestion in *Morrill* of utilizing the default amount to process a plurality of check transactions, as recited by the amended independent claims. Additionally, there is no teaching or suggestion in *Morrill* of receiving a user command to enter the default check amount

mode that is utilized to process a plurality of account receivable checks, as recited by the amended independent claims.

Similarly, *Setz* fails to teach or suggest an apparatus or method that receives a command input by a merchant to enter a default check amount mode and that processes a plurality of checks in the default check amount mode using a default check amount entered by the merchant. In marked contrast, *Setz* relates to foreign currency exchange transactions rather than to check transactions (See, for example, *Setz* at Abstract and paragraph [0035]). Therefore, it is respectfully submitted that *Setz* is non-analogous art and not properly combinable with *Moore*. Assuming, arguendo, that *Setz* may be combined with *Moore*, *Setz* fails to teach or suggest allowing a merchant to input a command to enter a default check amount mode or allowing a merchant to set a default check amount for processing a plurality of checks in the default check amount mode without having to enter the check amount for each of the plurality of checks. Although *Setz* relates to a system that may create a default amount for a currency exchange transaction based on the value of the previous transaction (See *Setz* at paragraph [0109]), there is no teaching or suggestion in *Setz* of receiving a merchant command to enter the default check amount mode or of the merchant inputting a check amount that is set as a default check amount in order to process a plurality of checks in the default check amount mode.

Finally, neither *Basham* nor *Belyi* teach or suggest an apparatus or method that receives a command input by a merchant to enter a default check amount mode and that processes a plurality of checks in the default check amount mode using a default check amount entered by the merchant. *Basham* relates to partitioning data storage devices (See, generally, *Basham* at Abstract) and not to processing check transactions. Although *Belyi* relates to processing check transactions, *Belyi* does not teach or suggest allowing a merchant to input a command to enter a default check amount mode or allowing a merchant to set a default check amount for processing a plurality of checks in the default check amount mode without having to enter the check amount for each of the plurality of checks.

Additionally, as set forth in the Amendment and Response filed on September 29, 2008, it is respectfully asserted that none of the cited references, either taken alone or in any

combination thereof, teach or suggest an apparatus that processes in a default check amount mode "a plurality of accounts receivable checks received by the merchant in a non-face-to-face manner," as recited by the amended independent claims. Although the Office Action relies on Official Notice to argue that *Moore* can be modified to process check received in a non-face-to-face manner, *Moore* does not teach or suggest such processing. In fact, *Moore* seems to teach away from the processing of these accounts receivable transactions. *Moore* relates to a system in which a digital picture of an authorized bearer of a check can be activated by the light of a reader and displayed on screen at a transaction station (See *Moore* at paragraph [0028]). The vendor can then compare the displayed picture with the face of the customer (See *Moore* at paragraph [0028]). In order to compare the imprinted digital picture to the face of the customer, a face-to-face transaction must likely be conducted. Therefore, *Moore* teaches away from processing non-face-to-face accounts receivable checks, as recited by amended independent Claims 1 and 7.

Accordingly, with respect to the Official Notice alleged against the processing of checks received in a non-face-to-face manner, it is respectfully submitted that it would not be obvious to modify *Moore* to process checks received in this manner. In accordance with MPEP § 2144.03, it is respectfully requested that the Examiner produce authority for this Official Notice.

As a result of providing a default check amount mode, certain embodiments of the claimed invention may facilitate the efficient processing of accounts receivable checks with a device that may also be utilized to process face-to-face check transactions. By entering a default check amount mode, the processing of accounts receivable checks that have the same transaction amount (e.g., apartment rent checks) may be expedited by eliminating the need to enter repetitive input for each check transaction.

For at least the above stated reasons, it is respectfully submitted that neither *Moore*, *Morrill*, *Setz*, *Basham*, nor *Belyi*, either taken alone or in any combination thereof, teach or suggest each an every feature of amended independent Claims 1 and 7. Therefore, it is respectfully asserted that amended independent Claims 1 and 7 are allowable over the cited art references and in condition for allowance.

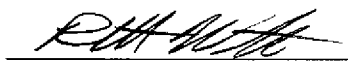
Additionally, it is respectfully submitted that dependent Claims 2-6 and 8-12 are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features. Therefore, it is respectfully contended that all of the claims of the present application are in condition for allowance and prompt allowance of the same is respectfully solicited.

CONCLUSION

It is believed that each matter raised by the Office Action has been responded to. Allowance of the claims is respectfully solicited. It is not believed that extensions of time or fees for addition of claims are required in this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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